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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1135 OF 2015

Mr. Sarwar Hussain Khan	..	Applicant
V/s.		
The State of Maharashtra and anr.	..	Respondents

Mr. T.N. Khandare for the applicant.
Ms. S.D. Shinde, APP for the State.
Mr. M. Saeed Kadu for respondent no. 2.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : FEBRUARY 08, 2016**

P.C. :-

1. Not on Board. Mentioned for urgent production.
Production granted In view of urgency.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. This petition is filed under Section 482 of the Code of Criminal Procedure for quashing F.I.R. bearing C.R. No. 332 of 2013 registered at Pydhonie Police Station Station for the offences under section 406, 420 read with section 34 of Indian Penal Code at the instance of respondent no. 2 against the applicant.

4. Pending investigation, the parties approached this Court

for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute. According to them, the consent terms are filed in Special Civil Suit No. 204 of 2014 pending before the Civil Judge (Senior Division) Panvel. Accordingly, they have approached this Court to quash and set aside the FIR by consent.

5. Respondent No. 2 has filed an affidavit dated 22nd January, 2016 and has stated that he has no objection if the subject F.I.R. is quashed. Respondent No. 2 is personally present before the Court. He is identified by his Advocate. On being questioned, respondent no. 2 specifically stated that he has gone through his affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. He also stated that he is giving no objection for quashing the said F.I.R. out of free will and without there being any pressure or coercion.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. State of Punjab**

[2014 AIR SCW 2065], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

7. Accordingly, the application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.25,000/- by the applicant to the **“Shanti Avedna Sadan”** an institution that takes care of the advanced and terminally ill cancer patients. The applicant shall pay the said cost and thereafter produce the receipt thereof on the file of this application within a period of two weeks from today, failing which, the criminal application shall stand dismissed automatically without further reference to the Court.

8. Subject to the above, the criminal application stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)